

House File 369 - Introduced

HOUSE FILE 369

BY ANDREWS

A BILL FOR

1 An Act relating to employer liability for adverse effects
2 resulting from mandated COVID-19 vaccinations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 686D.2, Code 2023, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 1A. *“COVID-19 vaccine”* means a vaccine or
4 immunization approved by the centers for disease control and
5 prevention of the United States department of health and human
6 services to prevent COVID-19.

7 NEW SUBSECTION. 2A. *“Employee”* means an individual who is
8 employed in this state for wages by an employer. *“Employee”*
9 includes an applicant for employment.

10 NEW SUBSECTION. 2B. *“Employer”* means a person who employs
11 an individual in this state for wages.

12 Sec. 2. Section 686D.8, subsection 1, Code 2023, is amended
13 to read as follows:

14 1. Create, recognize, or ratify a claim or cause of action
15 of any kind, except for the cause of action created pursuant
16 to section 686D.9.

17 Sec. 3. NEW SECTION. **686D.9 Mandated COVID-19 vaccines —**
18 **employer liability.**

19 1. An employee may bring a civil claim against an employer
20 in a court of competent jurisdiction for damages for injury,
21 illness, or adverse effects resulting from a COVID-19 vaccine
22 if the employer required the employee to receive the COVID-19
23 vaccine as a condition of employment.

24 2. The employer bears the burden to prove by a preponderance
25 of the evidence that the employer is not liable or responsible
26 for any injuries, illness, or adverse effects resulting from
27 the employee receiving a COVID-19 vaccine.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill relates to employer liability for an employer
32 that implements an employee COVID-19 vaccination mandate. The
33 bill defines *“COVID-19 vaccine”*, *“employee”*, and *“employer”*.
34 The bill provides that an employee may bring a civil claim
35 against an employer if the employee was required to receive

H.F. 369

1 a COVID-19 vaccine and suffered an injury, illness, or other
2 adverse effect from the required vaccine. The burden of proof
3 rests on the employer to show that the employer is not liable
4 or responsible for any injury resulting from the employee
5 receiving a COVID-19 vaccine.